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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: MUKAI=1

In re Application of:

Hiroyuki MUKAI et al.

Appln. No.: 09/935,338

Filed: August 23, 2001

For: METHOD FOR AMPLIFYING NUCLEIC ACID SEQUENCE

Mart Unit:

Washington, D.C.

October 23, 2001

October 23, 2001

## INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner of Patents and Trademarks Washington, D.C. 20231

Sir:

This Information Disclosure Statement is submitted in accordance with 37 CFR §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

[X] 1. This IDS should be considered, in accordance with 37 CFR  $\S1.97$ , as it is filed:

(Check one of the boxes A-D)

[X] A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

 $\ensuremath{\left[\mathrm{X}\right]}$  B. before the mailing date of a first office action on the merits.

[ ] C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary certification (box "i" below) or paid the necessary fee (box "ii" below).

(Check one of the boxes "i" and "ii" below:)

- [ ],i. Counsel certifies that, upon information and belief, each item of information listed herein was either
  - [ ] (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
  - [ ] (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in \$1.56(c) more than three months prior to the filing of this IDS.

## (use one and delete other of following)

- [] ii. A check (check no. \_\_\_\_\_) for the fee set forth in \$1.17(p), presently believed to be \$180, is enclosed.
- [] ii. Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in \$1.17(p), presently believed to be \$180.
- [ ] D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant(s) petitions under 37 CFR \$1.97(d) for consideration of this IDS. (use one and delete

other of following and this note) A check (check no. \_\_\_\_) for/ Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in \$1.17(i), presently believed to be \$130 is enclosed. Counsel certifies that, upon information and belief, each item of information listed herein was either

(Check one of the boxes "a" and "b" below)

- [ ] (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- [ ] (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in \$1.56(c) more than three months prior to the filing of this IDS.
- [X] 2. In accordance with 37 CFR §1.98, this IDS includes a list (e.g., form PTO-1449) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached.

(check boxes A and/or B and fill in blanks, if appropriate)

- [ ] A. Document(s) \_\_\_\_\_\_ is (are) deemed substantially cumulative to document(s) \_\_\_\_\_\_, and, in accordance with \$1.98(c), only a copy of each of the latter documents is enclosed.
- [ ] B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:

(insert serial numbers and filing dates of prior applications) Applicant(s) identifies these documents by attaching hereto copies of the forms PTO-892 and PTO-1449 from the files of the application(s) or a fresh PTO-1449 listing these documents, and request that they be considered and made of record in accordance with §1.98(d). Per 37 CFR §1.98(d), copies of these documents need not be filed in this application. [] 3. Document(s)  $\underline{\hspace{1cm}}$  is (are) not in the English language. In accordance with \$1.98(c), Applicant(s) states: [ ] An English translation of each document (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed. [ ] A concise explanation of the relevance of document(s) is found in the attached search report (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20). [ ] A concise explanation of the relevance of document(s) \_\_\_\_ is set forth as follows: (insert concise explanation of relevance) [ ] A concise explanation of the relevance document(s) can be found on page(s)

- 4 -

can be found on the attached sheet.

[ ] A concise explanation of document(s)

of the specification.

[X] 4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

[X] 5. Other information being provided for the examiner's consideration follows:

Attached is an International Search Report.

6. In accordance with 37 CFR \$\frac{\text{S}}\frac{1.97(g)}{g}\$ and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in \frac{\text{S}}\frac{1.56}{g}\$ (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant(s) reserves the right to prove that the date of publication is in fact different.

Respectfully submitted,

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## Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet of 1

Complete if Known					
Application Number	09/935,338				
Filing Date	August 23, 2001				
First Named Inventor	Hiroyuki MUKAI et al.				
Group Art Unit					
Examiner Name					
Attorney Docket Number	MUKAI=1				

				U.S. PATENT DOCUM	MENTS	
Examiner nitials*	Cite No.1	U.S. Patent Number	Document Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant/Inventor	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	5,648,211		FRAISER et al.	07-15-1997	go.co., ppcu.
	AB	5,744,311		FRAISER et al.	04-28-1998	
	AC	5,824,517		CLEUZIAT et al.	10-20-1998	
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			FOREIG	N PATENT DOCUMEN	ITS		
Cite No.1	Foreign Patent Number			Name of Patentee or		Pages Columns Lines	
	Office <sup>3</sup> Number		Kind Code <sup>5</sup> (if known)	Applicant/Inventor of Cited Document		Where Relevant Passages or Relevant Figures Appear	T <sub>6</sub>
AD	PCT	WO 99/09211		OULTRAM et al.	02-25-1999		
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	No.1	No. <sup>1</sup> Office <sup>3</sup>	Cite No. <sup>1</sup> Office <sup>3</sup> Number	Foreign Patent Number  Cite No. 1 Office Number Kind Code (if known)	Foreign Patent Number  Name of Patentee or Applicant/Inventor of Cited No.1 Office3 Number (if known)  Name of Patentee or Applicant/Inventor of Cited Document	Cite No. 1 Office 3 Number (if known) Applicant/Inventor of Cited Document MM-DD-YYYY	Foreign Patent Number  Name of Patentee or Applicant/Inventor of Cited Document  No. Office No. Number  Name of Patentee or Applicant/Inventor of Cited Document MM-DD-YYYY  Number (if known)  Name of Patentee or Applicant/Inventor of Cited Document MM-DD-YYYY  Relevant Figures Appear

Examiner	Date	
o	Date	
Signature	Considered	
	Considered	

<sup>\*</sup> EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.